

REMARKS

Applicants respectfully traverse the restriction of claims 1-7, 10-54, and 57-79 as allegedly being drawn to eleven distinct inventions for the reasons provided below. However, in order to be fully responsive, Applicants elect **Group VIII (claims 58 and 69-71)**, drawn to an adenovirus particle comprising a modified shaft fiber protein and a modification in the fiber knob to further reduce CAR binding, **SEQ ID NO:48** (corresponding to a modified last repeat). With respect to the requirement for an election of species, Applicants further elect **AB loop or CD loop**.

Applicants respectfully traverse the restriction on the grounds that it would not pose an undue burden to examine the claims of Groups V and VIII together. Briefly, a search of the adenovirus particle of Group VIII would reveal art relevant to Group V because both groups are directed to adenovirus particles having modified adenovirus fibers comprising a modification to the fiber protein shaft, whereby binding to the Coxsackie-Adenovirus receptor (CAR) is reduced. Applicants submit that an initial search and examination of Groups V and VIII together would not pose a serious burden to the Examiner. Conversely, the division of prosecution into two separate examinations will necessitate a largely duplicative effort by the U.S. Patent and Trademark Office that does not serve the overriding goal of economical use of resources. Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

In re Application of:
Nemerow et al.
Application No.: 10/560,250
Filed: June 22, 2006
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PATENT
Attorney Docket No.: SCRIP1870-1

The Commissioner is hereby authorized to charge \$120.00 as payment for the One-Month Extension of Time fee to Deposit Account No. 07-1896. Additionally, the Commissioner is hereby authorized to charge any other fees that may be due in connection with the filing of this paper, or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,

Date: September 11, 2007



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